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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 PETER KEFALAS,

Case No. 2:18-cv-00203-JCM-PAL

10 Petitioner,

ORDER

11 v.

12 THE STATE OF NEVADA, et al.,

13 Respondents.

14 It appears that petitioner Peter Kefalas intended to initiate a *pro se* petition for  
15 writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). The petition is not  
16 on the court's required form. Moreover, petitioner has failed to submit an application to  
17 proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been  
18 properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a new  
20 petition in a new action on this court's form with either the \$5.00 filing fee or a  
21 completed application to proceed *in forma pauperis* on the proper form with both an  
22 inmate account statement for the past six months and a properly executed financial  
23 certificate.

24 It does not appear from the papers presented that a dismissal without prejudice  
25 will materially affect a later analysis of any timeliness issue with regard to a new action  
26 filed in a timely manner after petitioner has exhausted all available state remedies.<sup>1</sup>

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<sup>1</sup> The papers that petitioner has attached to his filing appear to indicate remittitur issued for his direct appeal  
on September 29, 2017. See also Nevada Court of Appeals Case No. 70899.

1 Petitioner at all times remains responsible for properly exhausting his claims, for  
2 calculating the running of the federal limitation period as applied to his case, and for  
3 properly commencing a timely-filed federal habeas action.

4 **IT IS THEREFORE ORDERED** that the Clerk shall detach and file the petition  
5 (ECF No. 1-1).

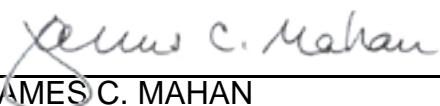
6 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice to  
7 the filing of a new petition on the court's form in a new action with a properly completed  
8 application form to proceed *in forma pauperis* or the \$5.00 filing fee.

9 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as  
10 jurists of reason would not find the court's dismissal of this improperly commenced  
11 action without prejudice to be debatable or incorrect.

12 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each  
13 of an application form to proceed *in forma pauperis* for incarcerated persons and a  
14 noncapital Section 2254 habeas petition form, one copy of the instructions for each  
15 form, and a copy of the papers that he submitted in this action.

16 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly  
17 and close this case.

18 DATED: April 12, 2018.

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20 JAMES C. MAHAN  
21 UNITED STATES DISTRICT JUDGE

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